Serial No: 10/786,802   Docket No: 2002-0319

REMARKS

Incorrect "X" by the Examiner in Advisory Action

The examiner has checked box 7 of PTOL-303, stating that applicants' "proposed amendment(s)" will not be entered. However, applicant's paper of September 12, 2008 <u>made no amendments</u>.

Rejection of claims 1-18— 35 USC 103

The rejection of claims 1-18 is respectfully traversed.

The examiner agrees that Delganow uses a criterion that is different from what is claimed for deciding when a bandwidth advertisement is sent. Thus the examiner agrees that applicants' claims do not read on Delganow standing alone.

In order to arrive at something on which applicants' claims <u>do</u> read, the examiner has cited McClean which, for purposes of argument, will be assumed to do <u>something</u> in response to available bandwidth crossing thresholds that are independent of the amount of bandwidth available for a link at a given time as, for example, claim 1 recites.

However, the "something" that McClean does relative to bandwidth threshold crossings has to do with adding or removing bandwidth. It has nothing to do with when it is desirable to send available bandwidth messages.

The examiner states that applicant mischaracterizes the motivation. The examiner then goes on to quote a limitation in applicants' claim as being part of the so-called motivation.

The examiner is apparently confused about the difference between a "limitation" and a "motivation."

Specifically, the examiner has failed to show how or why the person of ordinary skill has any motivation to take McClean's thresholding criterion for when to change bandwidth amounts in a link and to use it in place of Delganow's thresholding criterion for deciding when to send an available bandwidth message.

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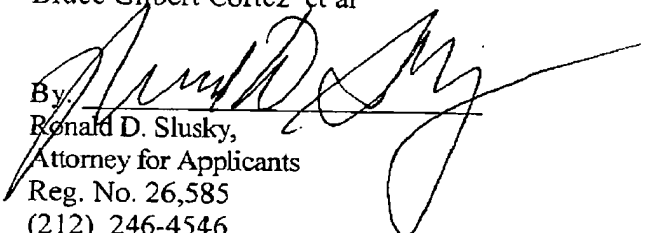
The examiner advanced a motivation for combining Delganow and McClean in the Office action of 12/02/2007, p. 4. However, the person of ordinary skill—in following the motivation that the examiner said was the motivation—does not arrive at the claimed subject matter. Rather, the person of ordinary skill arrives at a combination using McClean's shareholding scheme for bandwidth management, and Delganow's shareholding scheme for deciding when to advertise an amount of available bandwidth.

The implication of the examiner's reasoning would be that whenever the bandwidth of a link is changed, per a bandwidth threshold crossing in McLean, that that would be an occasion to transmit an available bandwidth message per Delganow.

However, such an approach runs directly counter to what Delganow itself teaches—namely that it is not desirable to advertise every change in bandwidth but only when some other criterion or criteria are met.

Applicant hereby renews all of the arguments previously advanced in support of the allowability of claims 1-18 and reconsideration is requested.

Respectfully submitted,
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